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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

April 13, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington D.C. 20554

FCC - DOCKET NO. 00592
Conad Cross EXHIBIT NO. 9
WITNESS: Hamilton
5-22-01
ACCEPTED CC

Re: Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services In Kansas and Oklahoma, CC Docket No. 00-217.

Dear Ms. Salas:

Pursuant to FCC Rule 1.65(a) (47 C.F.R. §1.65(a)), please be advised that certain reply affidavits SBC Communications Inc. (SBC) filed in support of its Section 271 application for Kansas and Oklahoma[1] contain inaccurate information on a single issue concerning loop qualification. With this letter, SBC is furnishing the Commission and the parties with a description of the inaccurate information, as well as with additional and corrected information on this issue in order to clarify and correct the record.

Background

This issue arose when several CLECs raised concerns about access to actual loop qualification or makeup information in their comments filed on SBC's Kansas/Oklahoma 271 application. One CLEC in particular, IP Communications Corporation (IP), generally alleged that Southwestern Bell Telephone Company (SWBT) improperly "filtered" actual loop qualification information, and provided loop makeup information only on the "best" loop to a requested premise.[2] Shortly before SBC's reply comments were due, IP filed an *ex parte* letter claiming that in certain specific areas where it has deployed its Next Generation Digital Loop Carrier (DLC) architecture, also called "Project Pronto," SWBT was not returning to the CLEC loop makeup information on a copper loop. Specifically,

[1] *See* Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services In Kansas and Oklahoma, CC Docket No. 00-217 (filed October 26, 2000) (*KS/OK Application*).

[2] *See* Comments of IP Communications Corporation on SBC's Applications for 271 Relief in Kansas and Oklahoma, at 12-14 (filed Nov. 15, 2000).

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IP stated that "SWBT is only providing loop makeup information on the Pronto loop. IP never knows about loop 'two,' the home run copper loop."[3]

SBC submitted three reply affidavits to rebut IP's claims and explain how SWBT's Loop Qualification system selected the loop on which it provided loop makeup information.

The reply affidavit of Angela M. Cullen, from SBC's Information Technology organization, explained how a CLEC may request actual loop makeup information. She explained that actual loop makeup information is obtained from the Loop Facilities Assignment and Control System ("LFACS"), a backend system that is utilized to assign and provision loops, that SWBT did not "filter" loop makeup information returned to CLECs, and that SBC's advanced services affiliate receives nondiscriminatory access to the same information as the CLECs. Ms. Cullen also stated that SWBT's Loop Qualification system provides loop makeup information on the loop that LFACS would provision to the CLEC at the requested address.[4]

The reply affidavit of Mark J. Welch, from SBC's Network Policy organization, explained how, in the event a customer was served by DLC, SWBT would provision a DSL-capable loop to a CLEC over any available spare copper facility to the customer's address using a line and station transfer (LST). Mr. Welch further stated that if there is an available DSL-capable facility to an address, SWBT would return loop qualification information for the DSL-capable facility and perform the LST, rather than provide loop qualification information for the line that is served by DLC.[5]

Finally, the reply affidavit of Carol A. Chapman directly rebutted the main arguments concerning loop qualification. Among other things, Ms. Chapman explained that the Loop Qualification system would not provide loop makeup information on a DLC loop, if there was actual loop makeup information available in LFACS on a copper loop to the requested premise address. She stated that the Loop Qualification process follows the same process to obtain loop makeup information as LFACS uses in the provisioning process to assign loops. Hence, Ms. Chapman explained that just as in the provisioning process where LFACS would automatically assign a copper loop if a DSL-capable loop were ordered, if a CLEC submits a request for loop qualification information, LFACS would return such information on a copper loop.[6]

The Commission addressed SWBT's compliance with the requirement to provide access to loop qualification information, and the issues raised by CLECs about SWBT's compliance with this requirement based on this information.[7]

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[3] *See* Ex Parte Letter from Howard J. Siegel, IP, filed Nov. 30, 2000.

[4] *See* Reply Affidavit of Angela M. Cullen at ¶¶ 3-6.

[5] *See* Reply Affidavit of Mark J. Welch at ¶¶ 5-6.

[6] *See* Reply Affidavit of Carol A. Chapman at ¶¶ 5-6.

[7] *See* Memorandum Opinion and Order, *In the Matter of Joint Application by SBC* Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell

On March 6, 2001, SBC learned of the possibility that the description of how SWBT's Loop Qualification system obtained actual loop makeup information from LFACS might contain some inaccuracies. SBC immediately launched, and recently concluded, an investigation into this matter, which revealed that certain information contained in the three reply affidavits mentioned above is inaccurate. This was an unfortunate result of the fact that the SWBT personnel, who described to the affiants how the Loop Qualification system interacted with LFACS to return loop makeup information, were mistaken in their understanding of how LFACS works. LFACS is a Telcordia product, and SBC's Loop Qualification system relies, in part, on LFACS software programs to conduct a search for the actual loop makeup information that might be stored therein. The SWBT personnel simply misunderstood how the LFACS software conducted the search and returned loop makeup information to SBC's Loop Qualification system.

Description of the Inaccurate Information

SBC discovered that the information contained in the reply affidavits of Ms. Cullen, Mr. Welch, and Ms. Chapman on the narrow issue of precisely which loop SWBT's Loop Qualification system would return actual loop makeup information is not accurate. Specifically, SWBT's Loop Qualification system does not obtain actual loop makeup information from LFACS in reliance on the LFACS provisioning logic. In other words, LFACS will not always return actual loop makeup information on an available non-loaded copper loop as if it were provisioning a DSL-capable loop to the address for which loop makeup information is requested.

Statement of Additional and Corrected Information

As of December 11, 2000 when reply comments were due in this proceeding and up until April 3, 2001, SWBT's Loop Qualification system essentially would return actual loop makeup information on the first loop for which such information exists in LFACS following the search logic described below.

Once a CLEC requested actual loop makeup information for a premise address via any one of SWBT's OSS pre-ordering interfaces – Verigate, DataGate, or EDI/CORBA, SWBT's Loop Qualification system would look for information on a loop connected to the requested premise using two LFACS queries. First, the Loop Qualification system would launch an LFACS query to determine whether loop makeup information existed in LFACS for either of the first two loops physically connected to the requested premise address. If loop makeup information was not found as a result of this query, the Loop Qualification system would return designed loop makeup information to the CLEC.

Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services In Kansas and Oklahoma, CC Docket No. 00-217 (rel. Jan. 19, 2001).

If loop makeup information was found via this query, the Loop Qualification system would extract certain limited information from the first loop for which such information exists, and then launch a second LFACS query. The second query would search for detailed loop makeup information. Loops serving the requested premise address would be searched in the order in which loop makeup information had been loaded into LFACS for a specific address . The Loop Qualification system would extract the actual loop makeup information from the first loop for which such information existed, combine that information with the information extracted during the first query, and return that information to the CLEC.

In limited circumstances, it is possible that SWBT's electronic Loop Qualification system could have returned loop makeup information to the CLECs in any of the following ways. Actual loop makeup information could have been returned on a DLC loop when, in fact, there was a copper loop serving the requested premise address with actual loop makeup information. However, if loop makeup information was returned on a DLC loop, the CLEC would have been advised if there was copper serving the distribution area, and the CLEC could then have requested a manual loop qualification to obtain loop makeup information on the copper loop. Designed loop makeup information could have been returned when, in fact, there was a copper loop serving the requested premise address with actual loop makeup information. And finally, a few non-critical fields of actual loop makeup information could have been returned on the first of two different copper loops serving the requested premise address.[8]

Impact on the CLECs and SBC's Advanced Services Affiliate

While the Loop Qualification system operated in conjunction with LFACS in a manner different from that described in these reply affidavits, there is no evidence that this resulted in any discrimination or the denial of a meaningful opportunity to compete.

First, the CLECs and SBC's advanced services affiliate utilize the same OSS pre-order interfaces (DataGate, Verigate, or EDI/CORBA) and follow the same processes and procedures to obtain actual loop makeup information from LFACS. Both the CLECs and SBC's advanced services affiliate receive the same information in the same format, and in the same time and manner from LFACS when requesting electronic loop make-up information, and from SWBT engineers when requesting a manual loop qualification for a specific premise address.

Second, SBC estimates that in respect to IP's complaint that it was receiving actual loop makeup information on DLC when there was a copper loop serving the requested premise

[8] An actual loop make-up request response would contain information from the two LFACS queries as well as designed information about the Distribution Area, retrieved from SWBT's Loop Qual database. The vast majority of the information provided in response to an actual loop makeup request – including the information necessary to determine whether a loop could be used to provision an advanced service – was provided from the information returned from the second query (i.e., copper segment loop lengths and total loop length, existence and number of bridge taps, load coils, and repeaters) or the Loop Qual database (i.e., loop medium type).

address, this could occur, at most, less than 5% of the time. In the case of the other two scenarios, no CLEC has presented any evidence that these have occurred. Moreover, Ms. Chapman noted in her reply affidavit that if SWBT discovered that there was an issue associated with SWBT not returning loop makeup information on copper loops using either electronic or manual loop qualification, SWBT would waive the charge for manual loop qualification on the affected inquiries.[9]

Finally, IP's statement in its ex parte presentation that when loop make-up information is returned on a DLC loop, it "never knows about loop 'two,' the home run copper loop" is simply wrong. As noted above, even when SWBT returns loop make-up information on DLC, the CLEC is advised that copper loops exist in the feeder plant serving the customer's distribution area. Accordingly, the CLEC knows that there may be copper loops available and it can request a manual loop qualification to obtain actual loop make-up information, if it exists, on a copper loop.

Corrective Action Taken By SBC

When it concluded that its Loop Qualification system might not return actual loop makeup information as intended in some circumstances, SBC immediately undertook to design and implement an enhancement. The purpose of this enhancement is to ensure that the Loop Qualification system returns loop makeup information on a non-loaded copper loop connected to the requested premise address, if such a loop exists and loop makeup information is contained in LFACS.[10] The enhancement was implemented on April 3, 2001 and is now in commercial use.

With this enhancement, the Loop Qualification system will search LFACS for and return actual loop makeup information on a non-loaded copper loop, if such information is located. If not, the system will continue to search all of the loops connected to the requested premise until all loops are searched or the time limit for the loop qualification inquiry is reached, and it will return actual makeup information on a loop in the following priority order: loaded copper loop, digital added main line, and DLC. SBC also retained the auditing firm of Ernst & Young to verify that the Loop Qualification system with the enhancement is operating properly.

SBC also promptly and voluntarily disclosed the fact of the inaccuracies described above to both the Common Carrier Bureau and Enforcement Bureau, and the Department of Justice. In addition, SBC notified the state commissions in Kansas and Oklahoma, and IP Communications, the only CLEC that had raised this issue.

Finally, SWBT discussed this matter and the enhancement to its Loop Qualification system in a Loop Qualification Workshop conducted by the Texas PUC.

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[9] *See* Reply Affidavit of Carol A. Chapman at ¶ 12.

[10] For a more detailed description of how the Loop Qualification system works with the enhancement, please see the Affidavit of Derrick Hamilton filed with SBC's Missouri 271 application in CC Docket No. 01-88.

In conclusion, SBC has acted in a conscientious and professional manner in disclosing the inaccurate information, and in implementing an enhancement to its Loop Qualification system.

Sincerely,

Edwardo Rodriguez Jr.

Edwardo Rodriguez, Jr.
Director, Federal Regulatory

CERTIFICATE OF SERVICE

Pursuant to 47 C.F.R. §§ 1.47(f) & 1.65(a), I caused a copy of the letter dated April 13, 2001 from Edwardo Rodriguez, Jr. to Magalie Roman Salas in CC Docket No. 00-217 to be served by first-class mail on the parties to this proceeding, as reflected on the attached service list.

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